

1 admit or deny the remaining allegations of Paragraph 1.2 and on that basis deny
 2 them.

3 1.3 Defendant OneWest admits that it does business in King County, Washington
 4 with headquarters located in Pasadena, CA. Defendant OneWest denies the
 5 remaining allegations contained in Paragraph 1.3. Defendant MERS and lacks
 6 sufficient information to admit or deny the allegations of Paragraph 1.3 and on
 7 that basis deny them.

8 1.4 Defendants assert the Notice of Trustee's Sale speaks for itself. To the extent and
 9 answer is required, Defendants lack sufficient information to admit or deny the
 10 remaining allegations of Paragraph 1.4 and on that basis denies them.

11 1.5 Defendant MERS admits that it is a corporation in Delaware and is listed as the
 12 beneficiary of the Deed of Trust named by the original lender Indymac Bank, FSB
 13 but lacks sufficient information to admit or deny the remaining allegations of
 14 Paragraph 1.5 and on that basis denies them.

15 1.6 Defendants admit the allegations of Paragraph 1.6.

16 1.7 The statement in Paragraph 1.7 of the FAC is a statement that does not warrant a
 17 denial or admission from Defendants.

18 **II. BACKGROUND FACTS AND HISTORY**

19 2.1 Defendants assert that the Note speaks for itself, and the Deed of Trust speaks for
 20 itself. To the extent and answer is required, Defendants lack sufficient information
 21 to admit or deny the remaining allegations of Paragraph 2.1 and on this basis deny
 22 them.

1 2.2 The statement in Paragraph 2.2 of the FAC is a statement that does not warrant a
 2 denial or admission from defendants. To the extent an answer is required,
 3 Defendants assert that the Note speaks for itself.

4 2.3 The statements in Paragraph 2.3 contain legal conclusions and Defendants are not
 5 required to respond. To the extent an answer is required, Defendants lack sufficient
 6 information to admit or deny the remaining allegations of Paragraph 2.3 and on this
 7 basis deny them.

8 2.4 The statements in Paragraph 2.4 contain legal conclusions and Defendants are not
 9 required to respond. Defendants assert that the Notice of Default speaks for itself.
 10 To the extent an answer is required, Defendants lack sufficient information to
 11 admit or deny the remaining allegations of Paragraph 2.4 and on this basis deny
 12 them.

13 2.4.1 The statements in Paragraph 2.4.1 contain legal conclusions and
 14 Defendants are not required to respond. Defendants assert that the
 15 Beneficiary Declaration speaks for itself. To the extent an answer is
 16 required, Defendants lack sufficient information to admit or deny the
 17 remaining allegations of Paragraph 2.4.1 and on this basis deny them.

18 2.5 The statements in Paragraph 2.5 contain legal conclusions and Defendants are not
 19 required to respond. The letter referenced in Paragraph 2.5 speaks for itself. To
 20 the extent an answer is required, Defendants lack sufficient information to admit or
 21 deny the remaining allegations of Paragraph 2.5 and on this basis deny them.

22 2.6 To the extent the statements in Paragraph 2.6 contains legal conclusions,
 23 Defendants are not required to respond. Defendants assert that the Assignment of
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1 the Deed of Trust speaks for itself. To the extent and answer is required, Defendants
 2 lack sufficient information to admit or deny the remaining allegations of Paragraph
 3 2.6 and on this basis deny them.

4 2.7 To the extent the statements in Paragraph 2.7 contains legal conclusions,
 5 Defendants are not required to respond. Defendants assert that the Appointment of
 6 Successor Trustee speaks for itself. To the extent and answer is required,
 7 Defendants lack sufficient information to admit or deny the remaining allegations of
 8 Paragraph 2.7 and on this basis deny them.

9 2.8 Defendants assert that the Notice of Trustee Sale speaks for itself. To the extent and
 10 answer is required, Defendants lack sufficient information to admit or deny the
 11 remaining allegations of Paragraph 2.1 and on this basis deny them.

12 2.8.1 Parties

13 2.8.1.1 The statement in Paragraph 2.8.1.1 of the FAC is a statement that
 14 does not warrant a denial or admission from Defendants.

15 2.8.1.2 Defendants assert that the Notice of Trustee Sale speaks for itself. To
 16 the extent and answer is required, Defendants lack sufficient
 17 information to admit or deny the remaining allegations of Paragraph
 18 2.8.1.2 and on this basis deny them.

19 2.8.1.3 To the extent the statements in Paragraph 2.8.1.3 of the FAC
 20 contain legal conclusions, Defendants are not required to respond.
 21 Defendants assert that the Notice of Trustee Sale speaks for itself.

22 2.8.2 Fees and Amount to Reinstate in Section II

2.8.2.1 The statements in Paragraph 2.8.2.1 of the FAC are statements that do not warrant a denial or admission from Defendants. The Notice of Trustee's Sale speaks for itself.

2.8.2.2 The statements in Paragraph 2.8.2.2 of the FAC are statements that do not warrant a denial or admission from Defendants as it is a legal conclusion.

2.8.2.3 Defendants assert that the Notice of Trustee's Sale speaks for itself.

2.8.3 To the extent the statements in Paragraph 2.8.3 of the FAC contain legal conclusions, Defendants are not required to respond. For the remaining allegations, Defendants assert that the Notice of Trustee Sale speaks for itself. To the extent an answer is required, Defendants lack sufficient information to admit or deny the remaining allegations of Paragraph 2.8.3 and on this basis deny them.

2.9 Defendants assert that the Amended Notice of Trustee Sale speaks for itself. To the extent and answer is required, Defendants lack sufficient information to admit or deny the remaining allegations of Paragraph 2.9 and on this basis deny them.

2.9.1 Parties

2.9.1.1 The statements in Paragraph 2.9.1.1 of the FAC do not warrant an admission or denial by Defendants. To the extent and answer is required, Defendants assert that the Amended Notice of Trustee Sale speaks for itself.

2.9.1.2 The statement in Paragraph 2.9.1.2 is a statement that does not warrant a denial or admission from Defendants.

2.9.1.3 The statement in Paragraph 2.9.1.3 is a statement that does not warrant a denial or admission from Defendants. To the extent an answer is required, Defendants assert that the Amended Notice of Trustee Sale speaks for itself.

2.9.2 Fees and Amount to Reinstate in Section III

2.9.2.1 Defendants assert that the Amended Notice of Trustee Sale speaks for itself. To the extent and answer is required, the statements in Paragraph 2.9.2.1 of the FAC are legal conclusions and Defendants are not required to respond.

2.9.3 The statement in Paragraph 2.9.3 is a statement that does not warrant a denial or admission from Defendants. Defendants assert that the Notice of Trustee's Sale speaks for itself.

2.9.4 The statement in Paragraph 2.9.4 is a statement that does not warrant a denial or admission from Defendants. Defendants assert that the Amended Notice of Trustee Sale speaks for itself.

2.10 To the extent Paragraph 2.10 of the FAC contain legal conclusions, Defendants are not required to respond. As to the remaining allegations, the statements in Paragraph 2.10 are statements that do not warrant a denial or admission from Defendants. To the extent an answer is required, Defendants lack sufficient information to admit or deny the remaining allegations and on this basis deny them.

2.11 The statements in Paragraph 2.11 of the FAC to not warrant a denial or admission by Defendants. To the extent an answer is required, Defendants lack sufficient

1 information to admit or deny the remaining allegations of Paragraph 2.11 and on this
2 basis deny them.

3 2.12 The statements in Paragraph 2.12 contain legal conclusions and Defendants are
4 not required to respond. To the extent an answer is required, Defendants lack
5 sufficient information to admit or deny the remaining allegations of Paragraph 2.12
6 and on this basis deny them.

7 2.13 The statements in Paragraph 2.13 contain legal conclusions and Defendants are
8 not required to respond. To the extent an answer is required, Defendants lack
9 sufficient information to admit or deny the remaining allegations of Paragraph 2.13
10 and on this basis deny them.

11 2.14 The statements in Paragraph 2.14 of the FAC do not warrant a denial or admission
12 by Defendants. To the extent an answer is required, Defendants lack sufficient
13 information to admit or deny the remaining allegations of Paragraph 2.14 and on this
14 basis deny them.

15 2.15 The statements in Paragraph 2.15 of the FAC do not warrant a denial or admission
16 by Defendants. To the extent an answer is required, Defendants lack sufficient
17 information to admit or deny the remaining allegations of Paragraph 2.15 and on this
18 basis deny them.

19 2.16 The statements in Paragraph 2.16 of the FAC do not warrant a denial or admission
20 by Defendants. To the extent an answer is required, Defendants lack sufficient
21 information to admit or deny the remaining allegations of Paragraph 2.16 and on this
22 basis deny them.

2.17 The statements in Paragraph 2.17 of the FAC do not warrant a denial or admission by Defendants. To the extent an answer is required, Defendants lack sufficient information to admit or deny the remaining allegations of Paragraph 2.17 and on this basis deny them.

III. PLAINTIFF'S CLAIMS

3.1 Violations of the Washington Deed of Trust Act, RCW 61.24 *et seq.*

3.1.1 Defendants re-state responses to each and every item and allegation above.

3.1.2 The statements in Paragraph 3.1.2 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the remaining allegations of Paragraph 3.1.2 and on this basis deny them.

3.1.3 Defendants deny the statements in paragraph 3.1.3.

3.1.4 The statements in Paragraph 3.1.4 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the remaining allegations of Paragraph 3.1.4 and on this basis deny them.

3.1.5 Defendants lack sufficient information to admit or deny the allegations of Paragraph 3.1.5 and on this basis deny them.

3.1.6 To the extent the statements in Paragraph 3.1.6 contain legal conclusions, Defendants are not required to respond. To the extent an answer is required for the remaining allegations, Defendants lack sufficient information to admit or deny the remaining allegations of Paragraph 3.1.6 and on this basis deny them.

3.1.7 To the extent the statements in Paragraph 3.1.7 contain legal conclusions, Defendants are not required to respond. To the extent an answer is required for the remaining allegations, Defendants lack sufficient information to admit or deny the allegations of Paragraph 3.1.7 and on this basis deny them.

3.1.8 Defendants deny the allegations in Paragraph 3.1.8.

3.1.9 Defendants deny the allegations in Paragraph 3.1.9.

3.1.10 Defendants deny the allegations of Paragraph 3.1.10.

3.1.11 Defendants deny the allegations in Paragraph 3.1.11.

3.1.12 The statements in Paragraph 3.1.12 contain request for

3.1.12 The statements in Paragraph 3.1.12 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 3.1.12.

3.2 Violations of RESPA 12 U.S.C. § 2605 *et seq.* & § 2607 *et seq.*

3.2.1 Defendants re-state responses to each and every item and allegation above.

3.2.2 Defendants deny the allegations of Paragraph 3.2.2.

3.2.3 Defendants lack sufficient information to admit or deny the allegations of Paragraph 3.2.3 and on that basis deny them.

3.2.4 Defendants deny the allegations of Paragraph 3.2.4.

3.2.5 Defendants deny the allegations of Paragraph 3.2.5.

3.2.6 Defendants deny the allegations of Paragraph 3.2.6.

3.2.7 Defendants lack sufficient information to admit or deny the allegations of Paragraph 3.2.7.

1 3.2.8 The statements in Paragraph 3.2.8 contain request for relief and Defendants
 2 are not required to respond. Defendants deny any implicit assertions
 3 contained in Paragraph 3.2.8.

4 3.3 Violations of Truth and Lending Act 15 U.S.C. 1641 *et seq.*

5 3.3.1 Defendants re-state responses to each and every item and allegation above.

6 3.3.2 Defendants deny the allegations of Paragraph 3.3.2.

7 3.3.3 Defendants deny the allegations of Paragraph 3.3.3.

8 3.3.4 The statements in Paragraph 3.3.4 contain request for relief and Defendants
 9 are not required to respond. Defendants deny any implicit assertions
 10 contained in Paragraph 3.3.4.

11 3.4 Violations of FDCPA 15 U.S.C. § 1692 *et seq.*

12 3.4.1 Defendants re-state responses to each and every item and allegation above.

13 3.4.2 The statements in Paragraph 3.4.2 contain legal conclusions and
 14 Defendants are not required to respond. To the extent an answer is required,
 15 Defendants lack sufficient information to admit or deny the allegations
 16 contained in Paragraph 3.4.2 and on this basis deny them.

17 3.4.3 The statements in Paragraph 3.4.3 contain legal conclusions and
 18 Defendants are not required to respond. To the extent an answer is required,
 19 Defendants deny the allegations of Paragraph 3.4.3.

20 3.4.4 Defendants deny the allegations in Paragraph 3.4.4.

21 3.4.5 Defendants deny the allegations in Paragraph 3.4.5.

1 3.4.6 The statements in Paragraph 3.4.6 contain request for relief and Defendants
2 are not required to respond. Defendants deny any implicit assertions
3 contained in Paragraph 3.4.6.

4 3.5 Violations of FCRA 15 U.S.C. § 1681

5 3.5.1 Defendants re-state responses to each and every item and allegation above.
6 3.5.2 The statements in Paragraph 3.5.2 contain legal conclusions and
7 Defendants are not required to respond. To the extent an answer is required,
8 Defendants deny the allegations of Paragraph 3.5.2.

9 3.5.3 The statements in Paragraph 3.5.3 contain request for relief and Defendants
10 are not required to respond. Defendants deny any implicit assertions
11 contained in Paragraph 3.5.3.

12 3.6 Violations of the Washington Consumer Protection Act RCW 19.86 *et seq.*

13 3.6.1 Defendants re-state responses to each and every item and allegation above.

14 3.6.2 Elements of a Washington Consumer Protection Act Violation Claim

15 3.6.2.1 The statement in Paragraph 3.6.2.1 is a statement that does not
16 warrant a denial or admission from Defendants.

17 3.6.2.2 The statements in Paragraph 3.6.2.2 contain legal conclusions and
18 Defendants are not required to respond. To the extent an answer is
19 required, Defendants lack sufficient information to admit or deny the
20 allegations contained in Paragraph 3.6.2.2 and on this basis deny
21 them.

22 3.6.3 Plaintiff alleges that Defendant Northwest Trustee has Violated the WA
23 CPA

3.6.3.1 The statements in Paragraph 3.6.3.1 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.6.3.1, and on this basis deny them.

3.6.3.2 Defendants lack sufficient information to admit or deny the allegations of Paragraph 3.6.3.2 and on that basis deny them.

3.6.3.3 The statements in Paragraph 3.6.3.3 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.6.3.3 and on this basis deny them.

3.6.3.4 The statements in Paragraph 3.6.3.4 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.6.3.4 and on this basis deny them.

3.6.3.5 The statements in Paragraph 3.6.3.5 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.6.3.5 and on this basis deny them.

3.6.3.6 The statements in Paragraph 3.6.3.6 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.6.3.6 and on this basis deny them.

3.6.4 Plaintiff Alleges that OneWest has Violated the WA CPA

3.6.4.1 Defendants deny the allegations in Paragraph 3.6.4.1.

3.6.4.2 The statements in Paragraph 3.6.4.2 contain statements that do not warrant a denial or admission by Defendants. To the extent an answer is required, Defendants deny the allegations in Paragraph 3.6.4.2.

3.6.4.3 The statements in Paragraph 3.6.4.3 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.6.4.3 and on this basis deny them.

3.6.4.4 The statements in Paragraph 3.6.4.4 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.6.4.4 and on this basis deny them.

3.6.4.5 The statements in Paragraph 3.6.4.5 contain legal conclusions and Defendants are not required to respond. To the extent an answer is

1 required, Defendants lack sufficient information to admit or deny the
2 allegations contained in Paragraph 3.6.4.5 and on this basis deny
3 them.
4

5 3.6.4.6 The statements in Paragraph 3.6.4.6 contain legal conclusions and
6 Defendants are not required to respond. To the extent an answer is
7 required, Defendants lack sufficient information to admit or deny the
8 allegations contained in Paragraph 3.6.4.6 and on this basis deny
9 them.
10

11 3.6.5 Plaintiff alleges that Defendant MERS has Violated the WA CPA
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13 3.6.5.1 Defendants deny the allegations in Paragraph 3.6.5.1.
14

15 3.6.5.2 The statements in Paragraph 3.6.5.2 contain legal conclusions and
16 Defendants are not required to respond. To the extent an answer is
17 required, Defendants lack sufficient information to admit or deny the
18 allegations contained in Paragraph 3.6.5.2 and on this basis deny
19 them.
20

21 3.6.5.3 The statements in Paragraph 3.6.5.3 contain legal conclusions and
22 Defendants are not required to respond. To the extent an answer is
23 required, Defendants lack sufficient information to admit or deny the
24 allegations contained in Paragraph 3.6.5.3 and on this basis deny
25 them.
26

27 3.6.5.4 The statements in Paragraph 3.6.5.4 contain legal conclusions and
28 Defendants are not required to respond. To the extent an answer is
29 required, Defendants lack sufficient information to admit or deny the
30

allegations contained in Paragraph 3.6.5.4 and on this basis deny them.

3.6.5.5 The statements in Paragraph 3.6.5.5 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.6.5.5 and on this basis deny them.

3.6.5.6 The statements in Paragraph 3.6.5.6 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.6.5.6 and on this basis deny them.

3.6.6 The statements in Paragraph 3.6.6 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 3.6.6.

3.7 Fraud

3.7.1 Defendants re-state responses to each and every item and allegation above.

3.7.2 Elements, Requirements and Definition of Pleading Fraud

3.7.2.1 The statement in Paragraph 3.7.2.1 is a statement that does not warrant a denial or admission from Defendants.

3.7.2.2 The statement in Paragraph 3.7.2.2 is a statement that does not warrant a denial or admission from Defendants.

3.7.2.3 The statement in Paragraph 3.7.2.3 is a statement that does not warrant a denial or admission from Defendants.

3.7.3 Count One: Defendant OneWest and the Notice of Default

3.7.3.1 Defendants assert that the Notice of Default speaks for itself. To the extent an answer is required, Defendants lack sufficient information to admit or deny the remaining allegations of Paragraph 3.7.3.1 and on this basis deny them.

3.7.3.2 The statement in Paragraph 3.7.3.2 is a statement that does not warrant a denial or admission from Defendants.

3.7.3.3 The statements in Paragraph 3.7.3.3 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.3.3 and on this basis deny them.

3.7.3.4 The statements in Paragraph 3.7.3.4 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.3.4 and on this basis deny them.

3.7.3.5 The statements in Paragraph 3.7.3.5 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the

allegations contained in Paragraph 3.7.3.5 and on this basis deny them.

3.7.3.6 The statements in Paragraph 3.7.3.6 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.3.6 and on this basis deny them.

3.7.3.7 The statements in Paragraph 3.7.3.7 contain statements to do not warrant a denial or admission from Defendants. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.3.7 and on this basis deny them.

3.7.3.8 The statements in Paragraph 3.7.3.8 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.3.8 and on this basis deny them.

3.7.3.9 The statements in Paragraph 3.7.3.9 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.3.9 and on this basis deny them

3.7.4 Count Two: Defendant Northwest Trustee and the Notice of Default

1 3.7.4.1 Defendants assert that the Notice of Default speaks for itself. To the
2 extent an answer is required, Defendants lack sufficient information
3 to admit or deny the remaining allegations of Paragraph 3.7.4.1 and
4 on this basis deny them.
5

6 3.7.4.2 The statement in Paragraph 3.7.4.2 is a statement that does not
7 warrant a denial or admission from Defendants.
8

9 3.7.4.3 The statements in Paragraph 3.7.4.3 contain legal conclusions and
10 Defendants are not required to respond. To the extent an answer is
11 required, Defendants lack sufficient information to admit or deny the
12 allegations contained in Paragraph 3.7.4.3 and on this basis deny
13 them.
14

15 3.7.4.4 The statements in Paragraph 3.7.4.4 contain legal conclusions and
16 Defendants are not required to respond. To the extent an answer is
17 required, Defendants lack sufficient information to admit or deny the
18 allegations contained in Paragraph 3.7.4.4 and on this basis deny
19 them.
20

21 3.7.4.5 The statements in Paragraph 3.7.4.5 contain legal conclusions and
22 Defendants are not required to respond. To the extent an answer is
23 required, Defendants lack sufficient information to admit or deny the
24 allegations contained in Paragraph 3.7.4.5 and on this basis deny
25 them.
26

27 3.7.4.6 The statements in Paragraph 3.7.4.6 contain legal conclusions and
28 Defendants are not required to respond. To the extent an answer is
29

1 required, Defendants lack sufficient information to admit or deny the
2 allegations contained in Paragraph 3.7.4.6 and on this basis deny
3 them.

4 3.7.4.7 The statements in Paragraph 3.7.4.7 contain legal conclusions and
5 Defendants are not required to respond. To the extent an answer is
6 required, Defendants lack sufficient information to admit or deny the
7 allegations contained in Paragraph 3.7.4.7 and on this basis deny
8 them.

9 3.7.4.8 The statements in Paragraph 3.7.4.8 contain legal conclusions and
10 Defendants are not required to respond. To the extent an answer is
11 required, Defendants lack sufficient information to admit or deny the
12 allegations contained in Paragraph 3.7.4.8 and on this basis deny
13 them.

14 3.7.4.9 The statements in Paragraph 3.7.4.9 contain legal conclusions and
15 Defendants are not required to respond. To the extent an answer is
16 required, Defendants lack sufficient information to admit or deny the
17 allegations contained in Paragraph 3.7.4.9 and on this basis deny
18 them.

19 3.7.5 Count Three: Defendant Northwest Trustee and the Notice of Trustee's Sale
20
21 3.7.5.1 Defendants assert that the Notice of Trustee's Sale speaks for itself.

22 To the extent an answer is required, Defendants lack sufficient
23 information to admit or deny the remaining allegations of Paragraph
24
25 3.7.5.1 and on this basis deny them.

1 3.7.5.2 The statement in Paragraph 3.7.5.2 is a statement that does not
2 warrant a denial or admission from Defendants.

3 3.7.5.3 The statements in Paragraph 3.7.5.3 contain legal conclusions and
4 Defendants are not required to respond. To the extent an answer is
5 required, Defendants lack sufficient information to admit or deny the
6 allegations contained in Paragraph 3.7.5.3 and on this basis deny
7 them.

9 3.7.5.4 Defendants assert that the Assignment of the Deed of Trust and
10 Appointment of Successor Trustee speaks for themselves. To the
11 extent an answer is required, Defendants lack sufficient information
12 to admit or deny the remaining allegations of Paragraph 3.7.5.4 and
13 on this basis deny them.

15 3.7.5.5 The statements in Paragraph 3.7.5.5 contain legal conclusions and
16 Defendants are not required to respond. To the extent an answer is
17 required, Defendants lack sufficient information to admit or deny the
18 allegations contained in Paragraph 3.7.5.5 and on this basis deny
19 them.

21 3.7.5.6 The statement in Paragraph 3.7.5.6 is a statement that does not
22 warrant a denial or admission from Defendants. To the extent an
23 answer is required, Defendants lack sufficient information to admit
24 or deny the allegations contained in Paragraph 3.7.5.6 and on this
25 basis deny them.

3.7.5.7 The statement in Paragraph 3.7.5.7 is a statement that does not warrant a denial or admission from Defendants. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.5.7 and on this basis deny them.

3.7.5.8 The statements in Paragraph 3.7.3.8 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.3.8 and on this basis deny them.

3.7.5.9 The statements in Paragraph 3.7.3.9 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.3.9 and on this basis deny them.

3.7.6 Count Four: Defendant Northwest Trustee and the Amended notice of Trustee Sale

3.7.6.1 Defendants assert that the Amended Notice of Trustee's Sale speaks for itself. To the extent an answer is required, Defendants lack sufficient information to admit or deny the remaining allegations of Paragraph 3.7.6.1 and on this basis deny them.

3.7.6.2 The statement in Paragraph 3.7.6.2 is a statement that does not warrant a denial or admission from Defendants.

1 3.7.6.3 The statements in Paragraph 3.7.6.3 contain legal conclusions and
2 Defendants are not required to respond. To the extent an answer is
3 required, Defendants lack sufficient information to admit or deny the
4 allegations contained in Paragraph 3.7.6.3 and on this basis deny
5 them.
6

7 3.7.6.4 To the extent Paragraph 3.7.6.4 contain legal conclusions,
8 Defendants are not require to respond. To the extent an answer is
9 required for the remaining allegations, Defendants assert that the
10 Assignment of the Deed of Trust and Appointment of Successor
11 Trustee speak for themselves.
12

13 3.7.6.5 The statement in Paragraph 3.7.6.5 contains a legal conclusion and
14 Defendants are not required to respond. To the extent an answer is
15 required, Defendants lack sufficient information to admit or deny the
16 allegation contained in Paragraph 3.7.6.5 and on this basis deny it.
17

18 3.7.6.6 The statements in Paragraph 3.7.6.6 contain legal conclusions and
19 Defendants are not required to respond. To the extent an answer is
20 required, Defendants lack sufficient information to admit or deny the
21 allegations contained in Paragraph 3.7.6.6 and on this basis deny
22 them.
23

24 3.7.6.7 The statement in Paragraph 3.7.6.7 is a statement that does not
25 warrant a denial or admission from Defendants. To the extent an
26 answer is required, Defendants lack sufficient information to admit

1 or deny the allegations contained in Paragraph 3.7.6.7 and on this
2 basis deny them.

3 3.7.6.8 The statements in Paragraph 3.7.6.8 contain legal conclusions and
4 Defendants are not required to respond. To the extent an answer is
5 required, Defendants lack sufficient information to admit or deny the
6 allegations contained in Paragraph 3.7.6.8 and on this basis deny
7 them.

8 3.7.6.9 The statements in Paragraph 3.7.3.9 contain legal conclusions and
9 Defendants are not required to respond. To the extent an answer is
10 required, Defendants lack sufficient information to admit or deny the
11 allegations contained in Paragraph 3.7.3.9 and on this basis deny
12 them.

13 3.7.7 Count Five: Defendant MERS and the Assignment of the Deed of Trust

14 3.7.7.1 Defendants assert that the Assignment of the Deed of Trust speaks
15 for itself. To the extent it does not, Defendants lack sufficient
16 information to admit or deny the remaining allegations of Paragraph
17 3.7.7.1 and on this basis deny them.

18 3.7.7.2 The statement in Paragraph 3.7.7.2 is a statement that does not
19 warrant a denial or admission from Defendants.

20 3.7.7.3 The statements in Paragraph 3.7.7.3 contain legal conclusions and
21 Defendants are not required to respond. To the extent an answer is
22 required, Defendants lack sufficient information to admit or deny the
23

allegations contained in Paragraph 3.7.7.3 and on this basis deny them.

3.7.7.4 To the extent Paragraph 3.7.7.4 contain legal conclusions, Defendants are not require to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the remaining allegations of Paragraph 3.7.7.4 and on this basis deny them.

3.7.7.5 The statements in Paragraph 3.7.7.5 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.7.5 and on this basis deny them.

3.7.7.6 The statement in Paragraph 3.7.7.6 is a statement that does not warrant a denial or admission from Defendants. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.7.6 and on this basis deny them.

3.7.7.7 The statement in Paragraph 3.7.7.7 is a statement that does not warrant a denial or admission from Defendants. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.7.7 and on this basis deny them.

3.7.7.8 The statements in Paragraph 3.7.7.8 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.7.8 and on this basis deny them.

3.7.7.9 The statements in Paragraph 3.7.3.9 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.3.9 and on this basis deny them.

3.7.8 Count Six: Defendant OneWest and the Appointment of Successor Trustee

3.7.8.1 Defendants assert that the Appointment of Successor Trustee speaks for itself. To the extent it does not, Defendants lack sufficient information to admit or deny the remaining allegations of Paragraph 3.7.8.1 and on this basis deny them.

3.7.8.2 The statement in Paragraph 3.7.8.2 is a statement that does not warrant a denial or admission from Defendants.

3.7.8.3 The statements in Paragraph 3.7.8.3 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.8.3 and on this basis deny them.

3.7.8.4 The statements in Paragraph 3.7.8.4 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the remaining allegations of Paragraph 3.7.8.4 and on this basis deny them.

3.7.8.5 The statements in Paragraph 3.7.8.5 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.8.5 and on this basis deny them.

3.7.8.6 The statement in Paragraph 3.7.8.6 is a statement that does not warrant a denial or admission from Defendants. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.8.6 and on this basis deny them.

3.7.8.7 The statements in Paragraph 3.7.8.7 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.7.8.7 and on this basis deny them.

3.7.8.8 The statements in Paragraph 3.7.8.8 are statements that do not warrant a denial or admission from Defendants. To the extent an answer is required, Defendants lack sufficient information to admit

1 or deny the allegations contained in Paragraph 3.7.8.8 and on this
2 basis deny them.

3 3.7.8.9 The statements in Paragraph 3.7.8.9 contain legal conclusions and
4 Defendants are not required to respond. To the extent an answer is
5 required, Defendants lack sufficient information to admit or deny the
6 allegations contained in Paragraph 3.7.8.9 and on this basis deny
7 them.

8
9 3.7.9 Fraud on the Court

10 3.7.9.1 The statements in Paragraph 3.7.9.1 are legal conclusions and
11 Defendants are not required to answer. To the extent an answer is
12 required, Defendants deny the allegations contained in Paragraph
13 3.7.9.1.

14
15 3.7.9.2 The statements in Paragraph 3.7.9.2 are statements are legal
16 conclusions and Defendants are not required to answer. To the
17 extent an answer is required, Defendants deny the allegations
18 contained in Paragraph 3.7.9.2.

19
20 3.7.9.3 The statements in Paragraph 3.7.9.3 are statements that do not
21 warrant a denial or admission from Defendants. To the extent an
22 answer is required, Defendants deny the allegations contained in
23 Paragraph 3.7.9.3.

24
25 3.7.10 The statements in Paragraph 3.7.10 contain request for relief and Defendants
26 are not required to respond. Defendants deny any implicit assertions
contained in Paragraph 3.7.10.

1 3.8 Civil Conspiracy

2 3.8.1 Defendants re-state responses to each and every item and allegation above.

3 3.8.2 Elements and Requirements of Civil Conspiracy

4 3.8.2.1 The statements in Paragraph 3.8.2.1 are statements that do not
5 warrant a denial or admission from Defendants.

6 3.8.3 Conspiracy of Defendants Against Plaintiff

7 3.8.3.1 The statements in Paragraph 3.8.3.1 contain legal conclusions and
8 Defendants are not required to respond. To the extent an answer is
9 required, Defendants deny the allegations contained in Paragraph
10 3.8.3.1.

11 3.8.3.2 The statements in Paragraph 3.8.3.2 contain legal conclusions and
12 Defendants are not required to respond. To the extent an answer is
13 required, Defendants lack sufficient information to admit or deny the
14 allegations contained in Paragraph 3.8.3.2 and on this basis deny
15 them.

16 3.8.3.3 The statements in Paragraph 3.8.3.3 contain legal conclusions and
17 Defendants are not required to respond. To the extent an answer is
18 required, Defendants lack sufficient information to admit or deny the
19 allegations contained in Paragraph 3.8.3.3 and on this basis deny
20 them.

21 3.8.3.4 The statements in Paragraph 3.8.3.4 contain legal conclusions and
22 Defendants are not required to respond. To the extent an answer is
23 required, Defendants lack sufficient information to admit or deny the

allegations contained in Paragraph 3.8.3.4 and on this basis deny them.

3.8.4 The statements in Paragraph 3.8.4 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 3.8.4.

3.9 Slander of Title

3.9.1 Defendants re-state responses to each and every item and allegation above.

3.9.2 Elements of Slander of Title

3.9.2.1 The statements in Paragraph 3.9.2.1 are statements that do not warrant a denial or admission from Defendants.

3.9.3 Count 1: Assignment of Deed of Trust

3.9.3.1 The statements in Paragraph 3.9.3.1 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.9.3.1 and on this basis deny them.

3.9.3.2 The statements in Paragraph 3.9.3.2 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.9.3.2 and on this basis deny them.

3.9.3.3 The statements in Paragraph 3.9.3.3 contain legal conclusions and Defendants are not required to respond. To the extent an answer is

1 required, Defendants lack sufficient information to admit or deny the
2 allegations contained in Paragraph 3.9.3.3 and on this basis deny
3 them.

4 3.9.3.4 The statements in Paragraph 3.9.3.4 contain legal conclusions and
5 Defendants are not required to respond. To the extent an answer is
6 required, Defendants lack sufficient information to admit or deny the
7 allegations contained in Paragraph 3.9.3.4 and on this basis deny
8 them.

9 3.9.3.5 The statements in Paragraph 3.9.3.5 contain legal conclusions and
10 Defendants are not required to respond. To the extent an answer is
11 required, Defendants lack sufficient information to admit or deny the
12 allegations contained in Paragraph 3.9.3.5 and on this basis deny
13 them.

14 3.9.4 Count 2: Appointment of Successor Trustee

15 3.9.4.1 The statements in Paragraph 3.9.4.1 contain legal conclusions and
16 Defendants are not required to respond. To the extent an answer is
17 required, Defendants lack sufficient information to admit or deny the
18 allegations contained in Paragraph 3.9.4.1 and on this basis deny
19 them.

20 3.9.4.2 The statements in Paragraph 3.9.4.2 contain legal conclusions and
21 Defendants are not required to respond. To the extent an answer is
22 required, Defendants lack sufficient information to admit or deny the
23

allegations contained in Paragraph 3.9.4.2 and on this basis deny them.

3.9.4.3 The statements in Paragraph 3.9.4.3 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.9.4.3 and on this basis deny them.

3.9.4.4 The statements in Paragraph 3.9.4.4 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.9.4.4 and on this basis deny them.

3.9.4.5 The statements in Paragraph 3.9.4.5 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.9.4.5 and on this basis deny them.

3.9.5 Count 3: Notice of Trustee Sale

3.9.5.1 The statements in Paragraph 3.9.5.1 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.9.5.1 and on this basis deny them.

3.9.5.2 The statements in Paragraph 3.9.5.2 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.9.5.2 and on this basis deny them.

3.9.5.3 The statements in Paragraph 3.9.5.3 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.9.5.3 and on this basis deny them.

3.9.5.4 The statements in Paragraph 3.9.5.4 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.9.5.4 and on this basis deny them.

3.9.5.5 The statements in Paragraph 3.9.5.5 contain legal conclusions and Defendants are not required to respond. To the extent an answer is required, Defendants lack sufficient information to admit or deny the allegations contained in Paragraph 3.9.5.5 and on this basis deny them.

3.9.6 Count 4: Amended Notice of Trustee Sale

3.9.6.1 The statements in Paragraph 3.9.6.1 contain legal conclusions and Defendants are not required to respond. To the extent an answer is

1 required, Defendants lack sufficient information to admit or deny the
2 allegations contained in Paragraph 3.9.6.1 and on this basis deny
3 them.
4

5 3.9.6.2 The statements in Paragraph 3.9.6.2 contain legal conclusions and
6 Defendants are not required to respond. To the extent an answer is
7 required, Defendants lack sufficient information to admit or deny the
8 allegations contained in Paragraph 3.9.6.2 and on this basis deny
9 them.
10

11 3.9.6.3 The statements in Paragraph 3.9.6.3 contain legal conclusions and
12 Defendants are not required to respond. To the extent an answer is
13 required, Defendants lack sufficient information to admit or deny the
14 allegations contained in Paragraph 3.9.6.3 and on this basis deny
15 them.
16

17 3.9.6.4 The statements in Paragraph 3.9.6.4 contain legal conclusions and
18 Defendants are not required to respond. To the extent an answer is
19 required, Defendants lack sufficient information to admit or deny the
20 allegations contained in Paragraph 3.9.6.4 and on this basis deny
21 them.
22

23 3.9.6.5 The statements in Paragraph 3.9.6.5 contain legal conclusions and
24 Defendants are not required to respond. To the extent an answer is
25 required, Defendants lack sufficient information to admit or deny the
26 allegations contained in Paragraph 3.9.6.5 and on this basis deny
them.
27

1 3.9.7 The statements in Paragraph 3.9.7 contain request for relief and Defendants
2 are not required to respond. Defendants deny any implicit assertions
3 contained in Paragraph 3.9.7.

4 3.10 Declaratory Relief; Lack of Standing

5 3.10.1 Defendants re-state responses to each and every item and allegation above.

6 3.10.2 Defendants deny the allegations contained in Paragraph 3.10.2.

7 3.10.3 Defendants deny the allegations contained in Paragraph 3.10.3.

8 3.10.4 Defendants lack sufficient knowledge to admit or deny the allegations
9 contained in Paragraph 3.10.4 and on this basis deny them.

10 3.10.5 The statements in Paragraph 3.10.5 contain legal conclusions and
11 Defendants are not required to respond. To the extent an answer is
12 required, Defendants lack sufficient information to admit or deny the
13 allegations contained in Paragraph 3.10.5 and on this basis deny them.

14 3.10.6 The statements in Paragraph 3.10.6 contain legal conclusions and
15 Defendants are not required to respond. To the extent an answer is
16 required, Defendants lack sufficient information to admit or deny the
17 allegations contained in Paragraph 3.10.5 and on this basis deny them.

18 3.10.7 The statements in Paragraph 3.10.7 contain request for relief and Defendants
19 are not required to respond. Defendants deny any implicit assertions
20 contained in Paragraph 3.10.7.

21 3.11 Permanent Injunction

22 3.11.1 The statement in Paragraph 3.11.1 is a legal conclusion and Defendants
23 are not required to answer.

1 3.11.1.1 The statements in Paragraph 3.11.1.1 contain legal conclusions and
2 Defendants are not required to answer.

3 3.11.1.2 The statements in Paragraph 3.11.1.2 contain legal conclusions and
4 Defendants are not required to answer.

5 3.11.1.3 The statements in Paragraph 3.11.1.3 contain legal conclusions and
6 Defendants are not required to respond.

7 3.11.1.4 The statements in Paragraph 3.11.1.4 contain legal conclusions and
8 Defendants are not required to answer.

9 3.11.2 Defendants re-state responses to each and every item and allegation above.

10 3.11.3 The statements in Paragraph 3.11.3 contain request for relief and Defendants
11 are not required to respond. Defendants deny any implicit assertions
12 contained in Paragraph 3.11.3.

13 3.11.4 The statements in Paragraph 3.11.4 contain request for relief and Defendants
14 are not required to respond. Defendants deny any implicit assertions
15 contained in Paragraph 3.11.4.

16 3.11.5 The statements in Paragraph 3.11.5 contain request for relief and Defendants
17 are not required to respond. Defendants deny any implicit assertions
18 contained in Paragraph 3.11.5.

19 3.11.6 The statements in Paragraph 3.11.6 contain request for relief and Defendants
20 are not required to respond. Defendants deny any implicit assertions
21 contained in Paragraph 3.11.6.

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IV. REQUESTS FOR RELIEF

4.1 The statements in Paragraph 4.1 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 4.1.

4.1.1 The statements in Paragraph 4.1.1 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 4.2.

4.1.2 The statements in Paragraph 4.1.2 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 4.1.2.

4.1.3 The statements in Paragraph 4.1.3 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 4.1.3.

4.2 The statements in Paragraph 4.2 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 4.2.

4.3 The statements in Paragraph 4.3 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 4.3.

4.4 The statements in Paragraph 4.4 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 4.4.

- 4.5 The statements in Paragraph 4.5 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 4.5.
- 4.6 The statements in Paragraph 4.6 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 4.6.
- 4.7 The statements in Paragraph 4.7 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 4.7.
- 4.8 The statements in Paragraph 4.8 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 4.8.
- 4.9 The statements in Paragraph 4.9 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 4.9.
- 4.10 The statements in Paragraph 4.10 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 4.10.
- 4.11 The statements in Paragraph 4.11 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 4.11.

4.12 The statements in Paragraph 4.12 contain request for relief and Defendants are not required to respond. Defendants deny any implicit assertions contained in Paragraph 4.12.

V. AFFIRMATIVE DEFENSES

Having answer Plaintiff's FAC, Defendants assert the following affirmative defenses, the assertion of which in no way shift the burden of proof to Defendants:

1. Failure to State a Claim: The assertions in the FAC fail to state claims upon which relief can be granted.
2. Failure of Damages: Plaintiff cannot allege any cognizable damages resulting from the acts alleged in the FAC.
3. Mitigation of Damages: Plaintiff has failed to mitigate the alleged damages.
4. Waiver and Estoppel: Plaintiff's claims are barred by the equitable doctrines of waiver and estoppel.
5. Breach of Contract: Plaintiff breached the Note and defaulted according to the Deed of Trust by failing to make payment described in the Note and Deed of Trust.
6. Nonperformance of Condition Precedent: Plaintiff breached the Note and defaulted according to the Deed of Trust by failing to make payments described in the Note and Deed of Trust.
7. Laches: The claims asserted in the FAC are barred in whole or in part by the equitable doctrine of laches.
8. Contributory Fault/Unclean Hands: The claims asserted in the FAC are barred in whole or in part based on Plaintiff's contributory fault and/or unclean hands.
9. Mootness. Plaintiff's claim is moot and therefore barred at this time.

1 10. Statutory Exemption. The plaintiff's claim falls within an exemption from statutory
2 coverage.

3 11. Insufficient service. Plaintiff has failed to effect proper service of the FAC.

4 12. Defendants also assert the defenses of assumption of risk, mutual mistake, and reserve
5 the right to amend this Answer by way of adding additional affirmative defenses, counter
6 claims, or third party claims as additional facts are discovered, without waiving defenses
7 of lack of subject matter jurisdiction or any other valid defense.

8 **VI. PRAYER FOR RELIEF**

9 Defendant prays for judgment against Plaintiff as follows:

10 1. That Plaintiff's FAC be dismissed with prejudice;
11 2. That the Plaintiff recovers nothing on account of the claims made in the FAC.
12 3. That the Defendant be awarded costs of suit herein; and
13 4. For such other and further relief as the Court deems equitable and just.

14
15
16
17 DATED this 6th day of March, 2012.

18
19 **ROUTH CRABTREE OLSEN, P.S.**

20
21 By: /s/ Heidi E. Buck
22 Heidi E. Buck, WSB No. 41769
23 Attorneys for Defendants OneWest
24 and MERS